

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

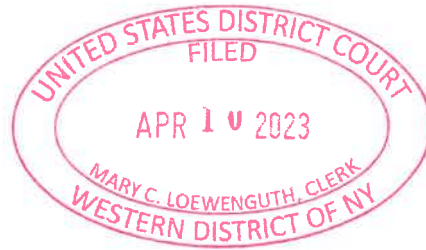
TONY BONURA, individually and on
behalf of others similarly situated,

Plaintiff,

v.

UHL VENTURES LLC d/b/a Servpro of
Jamestown/Olean, and
WILLIAM UHL,

Defendants.



22-CV-395 (JLS) (JJM)

DECISION AND ORDER

Plaintiff Tony Bonura, individually and on behalf of others similarly situated, commenced this action against Uhl Ventures and its owner, William Uhl, on May 25, 2022, alleging violations of the Fair Labor Standards Act as well as violations of state labor law. Dkt. 1. On July 26, 2022, this Court referred the case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 17.


Presently before the Court is Judge McCarthy's Report and Recommendation ("R&R") recommending that the motion for settlement approval be denied. Dkt. 30. This Court granted joint motions for extensions of time to file objections to the R&R. Dkts. 31, 32, 33. However, neither party filed objections, and the time to do so has passed. Dkt. 33.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Based on the absence of objections, the Court accepts Judge McCarthy's recommendation. The motion for approval of the settlement agreement (Dkt. 29) is denied. The case is referred back to Judge McCarthy for further proceedings consistent with the referral order of July 26, 2022. Dkt. 17.

SO ORDERED.

Dated: April 10, 2023
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE